

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

<b>WAVERLY N. WHITE,</b>	:	
	:	
Petitioner,	:	
	:	
v.	:	Civ. Act. No. 05-014-SLR
	:	
<b>THOMAS CARROLL</b> , Warden, and	:	
<b>M. JANE BRADY</b> , Attorney General of	:	
the State of Delaware,	:	
	:	
Respondents.	:	

**MOTION FOR EXTENSION OF TIME TO FILE  
CERTIFIED STATE COURT RECORDS**

1. The petitioner, Waverly N. White, has applied for federal habeas relief challenging an April 2002 conviction by a Delaware Superior Court jury for first degree robbery, third degree assault, and possession of drug paraphernalia. D.I. 1; *see generally White v. State*, 816 A.2d 776 (Del. 2003).

2. By the terms of the Court's order, the respondents are directed to attach to the answer certified copies of the state court records material to the questions raised in the petitioner's appeal.

3. The respondents have been unable to obtain, copy and have certified state supreme court records from Dover in order to filed them contemporaneously with the answer. The undersigned anticipates obtaining, having certified, and copying the records within three weeks and intends on filing them immediately upon receipt. The undersigned thus requests until June 21, 2005 to copy, have certified and transport the records for filing with the Court in this case.

4. Respondents submit that an extension of time to and including June 21, 2005 in which to file certified copies of the material portions of the state court records in this case is reasonable. Respondents submit herewith a proposed order.

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/s/Thomas E. Brown  
Deputy Attorney General  
Department of Justice  
820 N. French Street  
Wilmington, DE 19801  
(302) 577-8500  
Del. Bar ID# 3278

Date: June 3, 2005

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

**WAVERLY N. WHITE,**

Petitioner,

v.

Civ. Act. No. 05-014-SLR

**THOMAS CARROLL**, Warden, and  
**M. JANE BRADY**, Attorney General of  
the State of Delaware,

Respondents.

**ORDER**

This \_\_\_\_\_ day of \_\_\_\_\_, 2005,

WHEREAS, respondents having requested an extension of time in which to file certified portions of the state court records, and

WHEREAS, it appearing to the Court that the requested extension is timely and good cause has been shown for the extension,

IT IS HEREBY ORDERED that respondents shall file certified portions of the state court records on or before June 21, 2005.

\_\_\_\_\_  
United States District Judge

CERTIFICATE

I hereby certify that I have neither sought nor obtained the consent of the petitioner, who is incarcerated and appearing *pro se*, to the subject matter of this motion.

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/s/ Thomas E. Brown  
Deputy Attorney General  
Del. Dept. of Justice

Counsel for Respondents

Date: June 3, 2005

**CERTIFICATE OF SERVICE**

The undersigned, being a member of the Bar of this Court, hereby certifies that on June 3, 2005 he caused to be electronically filed the attached document (motion for extension of time to file state court records) with the Clerk of the Court using CM/ECF. I hereby certify that on June 3, 2005 I have also caused to be mailed by first class U.S. Mail two copies of the document to the following non-registered participant, the petitioner:

Waverly N. White (No. 00166563)  
Delaware Correctional Center  
1181 Paddock Road  
Smyrna, DE 19977.

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/s/ Thomas E. Brown  
Deputy Attorney General  
Del. Dept. of Justice

Counsel for Respondents

Date: June 3, 2005